



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
PACIFIC OCEAN DIVISION, CORPS OF ENGINEERS
FORT SHAFTER, HAWAII 96858-5440

April 10, 2006

Office of the Division Engineer

Mr. Kenneth M. Duffus
KND Engineering, Inc.
20441 Ptarmigan Boulevard
Eagle River, Alaska 99577-8736

Dear Mr. Duffus:


On February 7, 2006, you filed an administrative appeal of the Approved Jurisdictional Determination (file number POA-2005-1680-9) that was issued by the Alaska District of U.S. Army Corps of Engineers on December 14, 2005. In your letter (dated January 14, 2006) attached to the February 7, 2006 "Notification of Administrative Appeal Options and Process and Request for Appeal" (Request for Appeal) form, it was stated that the Alaska District requested additional investigations of the jurisdictional status of the property be undertaken in 2006, and that you were willing to undertake additional investigations in the spring to further document the Clean Water Act jurisdictional status of the property.

In the January 14, 2006 letter, a request was made to re-designate the December 14, 2005 Approved Jurisdictional Determination to a preliminary jurisdictional determination pending additional field investigations. The Alaska District has further reviewed its December 14, 2005 Approved Jurisdictional Determination, and issued a letter of clarification to you on February 23, 2006. This letter stated that the Approved Jurisdictional Determination, was intended only to reflect the existence of the headwaters of at least one creek on the western property boundary, and was intended to be a preliminary jurisdictional determination for wetland areas. This is consistent with the request in your Request for Appeal.

The Alaska District will issue an Approved Jurisdictional Determination that includes both wetlands and streams following a review and verification of the additional documentation you plan to submit after field investigations this spring. If you disagree with the Alaska District's Approved Jurisdictional Determination, which will be issued after review of your additional documentation, you may submit an administrative appeal of that action. No further action will be taken by the Pacific Ocean Division on your

Request for Appeal, as the issue you appealed has been resolved by issuance of the Alaska District's February 23, 2006 letter. If you have questions regarding this appeal process, you may contact my Administrative Appeal Review Officer, Mr. Doug Pomeroy, at 415-977-8035.

Sincerely,



John W. Peabody
Brigadier General, U.S. Army
Division Engineer